

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE BEXTRA AND CELEBREX  
MARKETING, SALES PRACTICE,  
AND PRODUCT LIABILITY  
LITIGATION

CASE NO. MDL No. 1699

This Document Relates to:

Lilak, Safdar Neil      08-5777 CRB  
                                10-4831 CRB

**ORDER DENYING MOTION  
FOR MANDAMUS**

On February 3, 2012, this Court denied pro se Plaintiff Safdar Lilak's document entitled a "Motion for Judicial Review," in which he asked "the reviewing court to hold unlawful agency action 'not in accordance with law,'" and asserted that his "personal injuries and wage loss claims has been denied wrongfully, incorrectly and illegally." See Order (dkt. 30) and Mot. for Judicial Review (dkt. 28) at 2-3. The Court explained in its Order that it could not reinstate Plaintiff's case. See Order at 1. The Court went on to explain that, to the extent Plaintiff wished to appeal the Court's dismissal of his case for failure to comply with Pretrial Order No. 31, he should have done so, and to the extent that he wished to move this Court for relief from judgment under Federal Rule of Civil Procedure 60, he had provided no basis for doing so. *Id.* at 2.

Plaintiff has now filed a new document entitled a "Motion for 'Mandamus

1 Instruction to Wrong Doer' to Redress the Injury Compensation for MDL 1699  
2 Settlement for Pro Se Plaintiff," Mot. (dkt. 32), in which he asserts that "[t]he court is  
3 hiding behind rules and ignoring the substantive purpose of the case." Id. at 1. The  
4 Motion goes on to argue the merits of Plaintiff's case. Id. at 1-7.

5 The Court appreciates the importance of this case to Plaintiff, see id. at 11  
6 ("Plaintiff . . . has been suffering from last 8-9 years now, living in poverty index of  
7 120%-180%, and in future will be suffering, . . . has been permanently injured for life and  
8 damaged career . . ."). Nonetheless, the Court is not hiding behind rules; it is bound by  
9 them. The Court cannot adjudicate the merits of Plaintiff's case, which was dismissed in  
10 April 2010. See Order Granting MTD (dkt. 16). Accordingly, for the same reasons the  
11 Motion for Judicial Review was denied, the present Motion is as well.

12 **IT IS SO ORDERED.**

13 Dated: February 27, 2012



14 HONORABLE CHARLES R. BREYER  
15 UNITED STATES DISTRICT JUDGE

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